

REMARKS

Claims 29-58 are all the claims pending in the application (Claims 43-58 are withdrawn). Claims 1-28 have been canceled. Independent Claims 29 and 35 have been amended herein to recite, “a deployer within the pod and attachable to the medical device.” Support for the amendment can be found in the specification at, for instance, page 4, lines 4-14. Thus, no new matter has been added.

Referring to pages 3-4 of the Office Action, Claims 29-30 and 32-33 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,395,017 to Dwyer et al. (“Dwyer”). Claims 31, 34, 39-40 and 41-42 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Dwyer. *See* Office Action at pages 5-6.

Applicants do not agree with the rejections, for the reasons previously set forth in the record. However, in the interest of expediting prosecution, Applicants have amended independent Claims 29 and 35, as suggested by the Examiner, to recite the movement of the deployer and its movement in relation to other elemental structures. In this regard, independent Claims 29 and 35 have been amended to recite, “a deployer within the pod and attachable to the medical device and movable through the pod to move the medical device between a stored position within the pod and an in-use position externally of the pod; and the deployer is movable to reveal the medical device.”

As discussed in Applicants’ August 3, 2007 Amendment, at page 12, the delivery device of Dwyer operates such that the sheath is moveable relative to the positioning tube. Dwyer fails to teach that the deployer within the pod, and attachable to the medical device, is moveable through the pod, as recited in the present claims. Accordingly, Dwyer fails to anticipate,

disclose, suggest or otherwise render obvious, the claimed medical catheter of the present application.

In view of the above, it is respectfully submitted that the claims are patentable over Dwyer. Thus, it is respectfully requested that the rejections under 35 U.S.C. §§102 and 103 be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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